

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 37

Introduced by Senator Speier
(Coauthors: Senators Alquist and Kuehl)

December 16, 2004

An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Speier. ~~Steroids and performance-enhancing dietary supplements~~ *Performance-enhancing substances*.

Existing law sets forth the rights and responsibilities of pupils in public schools. Existing law further requires certain school employees to comply with various educational requirements.

Existing law expresses legislative findings and declarations regarding the need for education and training for interscholastic athletic coaches. Existing law expresses the intent of the Legislature to establish a California High School Coaching Education and Training Program, that would emphasize specified components, including sport physiology, which is described as principles of training, fitness for sport, development of a training program, and nutrition for athletes, to be administered by local school districts. ~~This~~

This bill would, in addition, describe the component of sport physiology as instruction on the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents. The bill would require each high school sports coach, as defined, to complete a coaching education program developed by his or her school district or by the California Interscholastic Federation that meets those training requirements. The bill would make that requirement operative on December 31, 2008.

The bill would require the State Department of Health Services, ~~in consultation with the California Interscholastic Federation,~~ to develop a list of performance-enhancing ~~dietary supplements, as defined,~~ *substances* on or before ~~January 1, 2007~~ *July 1, 2006*, with certain requirements. The bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that school districts prohibit a pupil from participating in high school sports on and after July 1, 2007, unless that pupil ~~agrees~~ *signs a pledge* not to use ~~any of the prohibited substances identified by the department~~ *a performance-enhancing substance enumerated by the list* and the parent or guardian of that pupil signs a notification form regarding those restrictions.

The bill would, commencing July 1, 2007, prohibit schools from accepting sponsorships from manufacturers of those ~~supplements~~ *substances* and would prohibit certain school employees from selling, distributing, or promoting those ~~supplements~~ *substances*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35179.1 of the Education Code is
2 amended to read:
3 35179.1. (a) This section shall be known and may be cited as
4 the 1998 California High School Coaching Education and
5 Training Program.
6 (b) The Legislature finds and declares all of the following:
7 (1) The exploding demand in girls athletics, and an increase in
8 the number of pupils participating in both boys and girls
9 athletics, are causing an increase in the number of coaches
10 needed statewide.
11 (2) Well-trained coaches are vital to the success of the
12 experience of a pupil in sports and interscholastic athletic
13 activities.
14 (3) Improvement in coaching is a primary need identified by
15 hundreds of principals, superintendents, and school board
16 members who participated in the development of a strategic plan
17 for the California Interscholastic Federation (CIF) in 1993 and
18 1994.

1 (4) There are many concerns about safety, training,
2 organization, philosophy, communications, and general
3 management in coaching that need to be addressed.

4 (5) It is a conservative estimate that at least 25,000 coaches
5 annually need training and an orientation just to meet current
6 coaching regulations contained in Title 5 of the California Code
7 of Regulations, including basic safety and CPR requirements.

8 (6) School districts, in conjunction with the California
9 Interscholastic Federation, have taken the initial first steps
10 toward building a statewide coaching education program by
11 assembling a faculty of statewide trainers composed of school
12 district administrators, coaches, and athletic directors using a
13 national program being used in several states.

14 (c) It is, therefore, the intent of the Legislature to establish a
15 California High School Coaching Education and Training
16 Program. It is the intent of the Legislature that the program be
17 administered by local school districts and emphasize the
18 following components:

19 (1) Development of coaching philosophies consistent with
20 school, school district, and school board goals.

21 (2) Sport psychology: emphasizing communication,
22 reinforcement of the efforts of young people, effective delivery
23 of coaching regarding technique and motivation of the pupil
24 athlete.

25 (3) Sport pedagogy: how young athletes learn, and how to
26 teach sport skills.

27 (4) Sport physiology: principles of training, fitness for sport,
28 development of a training program, nutrition for athletes, and the
29 harmful effects associated with the use of steroids and
30 performance-enhancing dietary supplements by adolescents.

31 (5) Sport management: team management, risk management,
32 and working within the context of an entire school program.

33 (6) Training: certification in CPR and first aid.

34 (7) Knowledge of, and adherence to, statewide rules and
35 regulations, as well as school regulations including, but not
36 necessarily limited to, eligibility, gender equity and
37 discrimination.

38 (8) Sound planning and goal setting.

39 (d) This section does not endorse a particular coaching
40 education or training program.

SEC. 2. Article 6.5 (commencing with Section 49030) is added to Chapter 6 of Part 27 of the Education Code, to read:

Article 6.5. ~~Steroids and Performance-Enhancing Dietary Supplements~~

49030. (a) For ~~purposes of this article,~~ “performance-enhancing dietary supplement” means a dietary supplement designed or marketed to improve athletic performance or physical development by promoting body or muscle growth, stimulating or altering the cardiovascular system or the central nervous system, altering the perception of pain, or otherwise enhancing athletic performance or physical development above levels that would be anticipated under normal conditions with appropriate nourishment.

(b) For purposes of this article, “performance-enhancing dietary supplement” does not include a dietary supplement in which the only ingredients consist of one or more of the following:

- (1) Vitamins or minerals;
- (2) Authorized food additives, color additives, ingredients authorized by prior sanction, or those classified as generally recognized as safe for use in foods as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), and accompanying federal regulations, except for caffeine in excess of 200 milligrams per serving, if these ingredients are used in a dietary supplement at the levels, and for the purposes, for which they may be used in foods.

Substances

49030. (a) *The State Department of Health Services shall, no later than July 1, 2006, develop a list of performance-enhancing substances for purposes of this article. The list shall include all of the following:*

- (1) *All substances that are both of the following:*
 - (A) *A dietary supplement, as defined by subsection (ff) of Section 321 of Title 21 of the United States Code.*
 - (B) *Enumerated by a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency.*
- (2) *Ephedrine.*

1 (3) *Synephrine, also known as bitter orange.*

2 (4) *Dehydroepiandrosterone.*

3 (b) *The list shall not include caffeine.*

4 (c) (1) *The list shall be amended annually, if necessary, in*
5 *order to conform to the lists of banned substances described by*
6 *subparagraph (B) of paragraph (1) of subdivision (a).*

7 (2) *In order to be applicable for a school year, an amendment*
8 *shall be submitted to the department no later than the July 1*
9 *preceeding that school year.*

10 (d) *The department shall notify a school district that maintains*
11 *any of grades 9 to 12, inclusive, of the completion or amendment*
12 *of the list, and shall maintain the list on its Web site.*

13 49031. (a) A teacher, athletic director, sports coach, or other
14 school official or employee may not sell, distribute, or promote a
15 performance-enhancing ~~dietary supplement~~ substance
16 enumerated by the list maintained pursuant to Section 49030.

17 (b) A school may not accept a sponsorship from a
18 performance-enhancing dietary supplement manufacturer.

19 ~~(c) This section shall become operative on July 1, 2007.~~

20 ~~49032. (a) The State Department of Health Services, in~~
21 ~~consultation with the California Interscholastic Federation, shall~~
22 ~~develop a list of performance-enhancing dietary supplements for~~
23 ~~the purposes of this article. The list shall be developed on or~~
24 ~~before January 1, 2007, and may be amended by the State~~
25 ~~Department of Health Services at any time. The State~~
26 ~~Department of Health Services shall submit this list to the State~~
27 ~~Department of Education on or before January 1, 2007. Upon~~
28 ~~receipt of this list, the State Department of Education shall notify~~
29 ~~each school district that contains grades 9 to 12, inclusive, that~~
30 ~~this list has been completed and shall post the list on its Web site.~~
31 ~~Any amendments to this list shall be submitted to the State~~
32 ~~Department of Education no later than December 31 of the year~~
33 ~~in which the amendments are made. Upon receipt of amendments~~
34 ~~to this list, the State Department of Education shall annually~~
35 ~~notify each school district that contains grades 9 to 12, inclusive,~~
36 ~~that this list has been amended and shall post the amended list on~~
37 ~~its Web site.~~

38 ~~(b) In developing this list, the State Department of Health~~
39 ~~Services shall refer to existing lists of prohibited substances used~~
40 ~~by collegiate, professional, or Olympic sports organizations and~~

1 ~~shall develop the list so that it is appropriate to interscholastic~~
2 ~~sports.~~

3 *manufacturer of a performance-enhancing substance enumerated*
4 *by the list maintained pursuant to Section 49030.*

5 49033. (a) Effective December 31, 2008, each high school
6 sports coach shall have completed a coaching education program
7 developed by his or her school district or the California
8 Interscholastic Federation that meets the guidelines set forth in
9 Section 35179.1.

10 (b) Upon completion of the program, a high school sports
11 coach shall be deemed to have completed the education
12 requirement for the remainder of his or her time coaching at the
13 high school level in any school district in the state.

14 (c) Each high school sports coach shall be responsible for the
15 costs of taking the course.

16 (d) The training requirements of this section shall count
17 toward the continuing education required for the renewal of the
18 teaching credential of a coach who is also a certificated
19 employee.

20 (e) Notwithstanding subdivision (a), if the existing coach is
21 unavailable to lead his or her team, a substitute coach who does
22 not meet the requirements of subdivision (a) may be used for no
23 longer than one season of interscholastic competition.

24 (f) For the purposes of this section, “high school sports
25 coach” means an employee or a volunteer who is authorized by
26 a high school to be responsible for leading a school sports team
27 of pupil athletes.

28 49035. The California Interscholastic Federation shall amend
29 its constitution and bylaws to require, as a condition of
30 participation in interscholastic sports, that school districts
31 effective July 1, 2007, upon the notification provided pursuant to
32 subdivision (a) of Section 49032, prohibit a pupil from
33 participating in interscholastic high school sports, unless that
34 ~~pupil agrees not to use any of the supplements identified by the~~
35 ~~State Department of Health Services pursuant to Section 49032~~
36 *pupil signs a pledge not to use a performance-enhancing*
37 *substance enumerated by the list maintained pursuant to Section*
38 *49030* and the parent and guardian of that pupil signs a
39 notification form regarding those restrictions.

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